

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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Federal Communications Commission
Office of Secretary

In the Matter of

Advanced Television Systems
And Their Impact Upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

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PETITION FOR RECONSIDERATION

The University of North Carolina Center for Public Television (UNCTV), on behalf of the University of North Carolina (UNC), through its attorneys and pursuant to Section 1.106 of the rules, files herewith its Petition for Reconsideration in response to the Sixth Report and Order in the above-referenced proceeding, which adopts a Table of Allotments and associated assignment procedures for digital television (DTV). In support thereof, the following is shown:

1. UNCTV is the adjunct state agency of UNC established to provide noncommercial educational television programming to the citizens of North Carolina. Under the ultimate control and direction of UNC, which is the licensee of eleven full-service noncommercial educational television transmitters and more than twenty translators, UNCTV operates North Carolina's statewide noncommercial educational network, delivering extensive educational television programs and services to the state.

2. As a preliminary matter, UNCTV submits that the complexity of DTV allotments, the lack of essential technical information, and the short time frame available to file petitions for reconsideration of the DTV Table make it impossible to analyze current digital assignments and explore acceptable alternatives. UNCTV has found that the

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consulting engineering community cannot gear up to run the massive DTV computer program during this 30-day window for seeking reconsideration. In addition, OET Bulletin No. 69, setting forth interference criteria, has not yet been released. It is impossible for engineers to fully evaluate problems with the current allotments and propose feasible solutions without full technical information, including in particular OET Bulletin No. 69. In short, the television licensee community cannot adequately analyze the Commission's complex proposal in time to offer concrete options. However, UNCTV can identify its preliminary concerns with respect to the proposed channel allotments for North Carolina's statewide public television stations.

3. The conversion to digital broadcast service is a complex process and broadcasters should be afforded the time to analyze their assignments and investigate alternatives which will enable them to best serve their public. Accordingly, and consistent with the request of the Broadcasters' Caucus Petition filed today, UNCTV requests that the Commission permit it to supplement this pleading with technical data within 90 days from the release of OET Bulletin No. 69. This supplemental filing period would allow UNCTV to work with its consulting engineers to further develop feasible solutions. This is clearly preferable to forcing prospective digital licensees to move forward without current and accurate information and submit proposals which turn out to be technically infeasible. That course would waste public time and money, and, perhaps, delay the roll-out of digital broadcast service.

4. UNCTV has carefully reviewed the Commission's above-referenced Sixth Report and Order on DTV. UNCTV commends the Commission for the substantial work reflected in the Table and its recognition of the unique difficulties facing public

television stations, especially statewide public television systems such as the North Carolina network. Although UNCTV strongly endorses the positions advanced in the Joint Petition for Reconsideration and Clarification filed by the Association of America's Public Television Stations (APTS) and the Public Broadcasting Service (PBS), UNCTV in this Petition focuses upon the particular problems posed by multiple DTV assignments for the statewide public television system which fall outside the DTV core spectrum. In this connection, the Commission has variously described this core spectrum as Channels 7-51 or Channels 2-46. (Sixth Report and Order, supra, paras. 2-84). By core spectrum, UNCTV means assignments between Channels 7 and 46, which will allow public television stations to be in the core irrespective of which core the Commission selects, as proposed today by the Association of America's Public Television Stations and Public Broadcasting Service in their Petition for Reconsideration.

5. The allotments for the North Carolina statewide system which are outside this Channel 7-Channel 46 core include the following:

WUNC-TV, Chapel Hill, North Carolina, Channel *59

WUNE-TV, Linville, North Carolina, Channel *54¹

New proposed station at Andrews, North Carolina on Channel *59, filed September 19, 1996

¹ / While Station WUNE-TV currently operates on Channel *17 within the Channel 7-46 core, UNC cannot make an informed judgment regarding the most advantageous DTV channel where the proposed DTV channel is located outside that Channel 7-46 core.

New proposed station at Franklin, North Carolina on Channel *56, filed September 19, 1996²

The assignment of non-core channels to public television licensees significantly increases the financial risks for these stations and can have adverse effects upon both the ability and the timing of conversion to DTV. There are higher power costs for operating stations above Channel 51. State public television networks like that of North Carolina with multiple assignments outside the core are especially harmed since they will be forced to build multiple stations and then face the difficulties of convincing state legislatures of the need or wisdom of devoting governmental funds to building two DTV stations to serve the same areas within a period of less than ten years, a far shorter time period than it took to create the initial North Carolina statewide public television network.

6. For all of these reasons the Commission should make every effort to provide public television stations with assignments between Channels 7 and 46. Operation on such channels will afford public television stations, and especially public television statewide network systems, the assurances they need to plan for and raise the funds required for DTV conversion. In addition, the Commission should confirm protection of pending applications for reserved channels such as that filed by UNC for Canton and the provision of substitute channels for applications filed for channels outside of the core such as Andrews and Franklin. Finally, as noted above, UNCTV has been unable

² / UNC also filed on September 19, 1997 an application for a new full service station on Channel *27 at Canton, North Carolina. The Commission has indicated that applications filed for reserved channels by September 20, 1996 will be protected for DTV purposes, but has provided no official confirmation of protection of either the Canton, Andrews or the Franklin assignments, all three of which propose full station operation in lieu of existing translator service.

to analyze possible alternative channels within the Channel 7-46 core since OET Bulletin No. 69 has been unavailable and there is insufficient time to conduct necessary engineering and/or negotiations with affected broadcasters. Accordingly, UNCTV reserves the right to supplement its Petition at an appropriate time when essential information is readily available to complete the technical studies.

Respectfully submitted,

THE UNIVERSITY OF NORTH CAROLINA
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